

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CHARLES R. WEBB, JR.

PETITIONER

V.

CIVIL ACTION NO. 3:23-CV-96-DPJ-FKB

STATE OF MISSISSIPPI

RESPONDENT

ORDER

Petitioner Charles R. Webb, Jr., proceeding pro se, filed this federal habeas petition on February 6, 2023. At the time, he was a pretrial detainee being held at the Lauderdale County Detention Center on state criminal charges of arson, grand larceny, and commercial burglary. In March 2023, Webb was released from custody, and the following month, he filed a motion seeking dismissal of the charges against him. United States Magistrate Judge F. Keith Ball then ordered Respondent to file an answer or other responsive pleading, and it moved to dismiss.

On December 4, 2023, Judge Ball entered a Report and Recommendation [15] recommending that the petition be dismissed as moot and for failure to exhaust and that Webb's motion be denied because the Court cannot order dismissal of state criminal charges in a 28 U.S.C. § 2241 action. On December 18, 2023—the deadline for objections to the R&R—Webb's father, Charles R. Webb, Sr., filed an Objection [16], a Motion to Appoint Counsel and to Dismiss Charges [17], and a belated Response [18] to Respondent's motion to dismiss. None of Webb, Sr.'s filings are responsive to Judge Ball's recommendations, so even if the Court were to consider them, they would not affect the ruling.<sup>1</sup>

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<sup>1</sup> “[I]n federal court a party can represent himself or be represented by an attorney, but cannot be represented by a nonlawyer.” *Gonzales v. Wyatt*, 157 F.3d 1016, 1021 (5th Cir. 1998). Webb, Sr., does not appear in the Mississippi Bar's online lawyer directory.

Having reviewed the R&R, the Court finds no clear error and adopts it as its opinion. *See* Fed. R. Civ. P. 72(b)(3) (“The district court must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”); *id.* at advisory committee notes to 1983 adoption (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Because Webb was released from custody, his § 2241 petition is moot. Respondent’s Motion to Dismiss [13] is granted, Webb’s Motions to Dismiss Charges [9, 17] are denied, and the Motion to Appoint Counsel [17] is denied for the reasons stated in the R&R. The petition is dismissed without prejudice. A separate final judgment will be entered as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 22nd day of December, 2023.

*s/ Daniel P. Jordan III*  
CHIEF UNITED STATES DISTRICT JUDGE